

# Notice of Allowability

Application No.

10/723,756

Examiner

Robert G. Santos

Applicant(s)

DODGE, PETER W.

Art Unit

3673

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 21 November 2005 and the telephonic interview held on 07 December 2005.

2. ☒ The allowed claim(s) is/are 1-20.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material


5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 12072005.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_.

  
**ROBERT G. SANTOS**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas N. Phung on December 7, 2005.

The application has been amended as follows:

- 1) In the third line of claims 1 and 11: The term "pivotal" has been deleted, and the term --pivotably-- has been inserted after the term "support member".
- 2) In claim 20, line 4: The phrase --fixedly secured to at least one pivotal member secured to a backrest support member-- has been inserted after the term "prop bar".
- 3) In claim 20, line 6: The term "a" has been changed to --the--.

2. The following is an examiner's statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a furniture frame comprising the particular structural configuration of a first section having first and second sides, at least one support member *pivotably* connected thereto, at least one *wheel* rotatably secured thereto and a prop bar *fixedly secured to the pivotable support member*; and a second section connected to the first section, the second section

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having first and second sides, at least one support member, and at least one catch member fixedly secured to one of the sides of the second section, the catch member having at least one prop bar engaging *notch*, as explicitly recited in Applicant's independent claims 1 and 11; as well as the specific method steps outlined in independent claim 20 involving a seat section including a *notch* of a catch member located on the side of the seat section and a back section including at least one member pivotably secured thereto *and a prop bar fixedly secured to the at least one pivotable member*. With regards to the prior art, Fireman et al. '591 teaches the use of a furniture frame (1) comprising a support member (21) fixedly secured to the first section (20, 30) of the furniture frame as opposed to being pivotably secured to the first section as claimed, while Djie '722 discloses the use of a furniture frame including a member (6) pivotably connected to the back section (2) which engages a notch (9) in the seat section (1), as opposed to a prop bar fixedly secured to at least one pivotable member secured to the back section which engages a notch in the seat section as recited in Applicant's claims. Since claims 18 and 19 were allowed in the previous Office action filed May 19, 2005, remaining claims 2-10 and 12-17 are respectively dependent upon claims 1 and 11, and an updated search of the prior art did not yield any other references pertinent to Applicant's claims, it is considered that the application is currently in proper condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

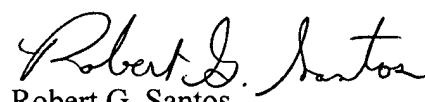
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048.

The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suzanne L. Barrett can be reached on (571) 272-7053. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
December 7, 2005